

NO. 46385-7-II

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

JARED SCHAUBLE, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Garold E. Johnson

No. 13-1-02760-9

Brief of Respondent

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A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Whether the trial court abused its discretion in admitting evidence of the prior incident as “common scheme or plan” under ER 404(b)?
2. Whether the defendant waived the confrontation clause argument where he failed to raise the objection at trial?
3. Whether the defendant had the opportunity to confront and cross examine the primary witness regarding the ER 404(b) incident?
4. If the admission of hearsay evidence during ER 404(b) testimony was error, was it harmless beyond a reasonable doubt?
5. Does the defendant demonstrate deficiency of counsel and prejudice thereby, where defense counsel elected not to object to evidence that may have been hearsay?

B. STATEMENT OF THE CASE.

1. Procedure

On July 9, 2013, the Pierce County Prosecuting Attorney (State) charged Jared Schauble, the defendant, with three counts of rape of a child in the third degree. CP 1-2. The State later amended the Information to

add two counts of Unlawful Delivery of a Controlled Substance to a person under the age of 18. CP 16-19.

The case was assigned to Hon. Garold Johnson for trial. 2 RP 61. The State filed a notice and Memorandum in support of ER 404(b) evidence regarding similar behavior by the defendant in Cowlitz County. CP 107-118. The defendant filed a Memorandum in opposition. CP 10-15. After the court heard argument on the motion, it decided to admit the evidence. 2 RP 112ff, CP 81-82.

The matter proceeded to trial. After hearing all the evidence, the jury found the defendant guilty of three counts of child rape, and one count of Unlawful Delivery of a Controlled Substance to a person under the age of 18. CP 63-64. The defendant was sentenced and filed a timely notice of appeal. CP 103-104.

2. Facts

KKT¹ was a 15 year-old sophomore at a Tacoma high school in 2012. 4 RP 198. She attended Pathway Church with her mother. 4 RP 200. The church met at a local school, but had offices and a community hall on Martin Luther King Jr. Ave. in Tacoma. 4 RP 167.

KKT had a friend named Austin with whom she communicated through the Facebook website and text-messaging. 4 RP 203. Austin lived

¹ The complaining witness, a minor, will be referred to by her initials.

with the defendant. 4 RP 203. One day in November, 2012, the defendant answered a text message from KKT to Austin. 4 RP 203.

The defendant and KKT exchanged a number of text-messages. 4 RP xx. KKT informed him that she was 15 and in 10th grade. 4 RP 205. The defendant acknowledged that she was young, and replied that he was 24. *Id.* The two began to communicate on Facebook and via text-messaging 4 RP 230. The defendant and KKT decided to meet at Pathway Church. 4 RP 206. They soon met at church on a Sunday. *Id.*

The defendant, a 24 year-old, lived in an apartment about a block from the church offices. 4 RP 167, 168. His neighbors, Kyler and Chase Phillips, also attended Pathway Church and had invited the defendant to join them. 4 RP 167.

After meeting in person, KKT and the defendant began to see each other frequently. They went to see movies and have coffee. 4 RP 208. The defendant invited KKT to his apartment to socialize and to drink alcohol. 4 RP 211, 212. Before Christmas, 2012, the two had sexual intercourse at the defendant's apartment. 4 RP 214, 215. After that, the defendant and KKT had sexual intercourse at the defendant's apartment on another 8-9 occasions. 4 RP 216. Each time, the defendant provided KKT with alcohol, usually flavored vodka. 4 RP 217, 238. On five occasions, the defendant also gave her marijuana to smoke. 4 RP 219.

The defendant and KKT last had sexual intercourse on February 3, 2013. 4 RP 221. KKT stayed overnight with the defendant. 4 RP 224. KKT's mother became very concerned about KKT's whereabouts. 5 RP 389. KKT's mother disciplined her for being out all night. 5 RP 394. After that, the couple broke up. 4 RP 227.

The defendant was angry and distraught regarding the break-up. 5 RP 356. He went to his neighbors Kyler and Chase Phillips. He admitted that he had had a relationship with KKT, and that she had been to his apartment. 5 RP 357. He told them that he intended to harm himself and others, including the victim's mother, because of the break-up. 4 RP 172, 173, 5 RP 359. The defendant threatened to commit suicide during a Sunday church service. 4 RP 174, 5 RP 359. The Phillips' told their pastor, who reported the threats to police. 4 RP 176, 5 RP 294, 302, 363.

C. ARGUMENT.

1. THE TRIAL COURT DID NOT ABUSE ITS DISCRETION IN ADMITTING EVIDENCE OF A PRIOR ACT UNDER ER 404(b).

The admission or exclusion of relevant evidence is within the discretion of the trial court. *State v. Swan*, 114 Wn.2d 613, 658, 790 P.2d 610 (1990); *State v. Rehak*, 67 Wn. App. 157, 162, 843 P.2d 651 (1992). The trial court's decision will not be reversed on appeal absent an abuse of discretion, which exists only when no reasonable person would have taken the position adopted by the trial court. *Id.* at 162.

ER 404(b) provides that evidence of “other crimes, wrongs, or acts” is inadmissible to prove “action in conformity therewith” on a particular occasion. However, that rule also provides a non-exhaustive list of purposes for which such evidence can be admissible: “proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” ER 404(b). While a trial court’s interpretation of ER 404(b) is reviewed de novo, once that trial court correctly interprets the rule, the trial court’s decision to admit or exclude the evidence is reviewed for an abuse of discretion. *State v. Fisher*, 165 Wn.2d 727, 202 P.3d 937 (2009).

The test for admitting evidence under ER 404(b) is laid out in case law. Before admitting evidence of other crimes or wrongs under ER 404(b), a trial court must: (1) establish by a preponderance of the evidence that the misconduct occurred; (2) identify the purpose for which the evidence is sought to be introduced; (3) determine the evidence is relevant; and (4) find that its probative value outweighs its prejudicial effect. *State v. Lough*, 125 Wn.2d 847, 853, 889 P.2d 487 (1995).

First, the State must prove these acts by a preponderance of the evidence. *See Lough*, 125 Wn.2d at 889; *State v. Griswold*, 98 Wn. App. 817, 991 P.2d 657 (2000).

Second, the trial court must identify the purpose for which the evidence is to be introduced. Prior bad acts are admissible if the evidence

is logically relevant to a material issue before the jury, and the probative value of the evidence outweighs the prejudicial effect. *State v. Saltarelli*, 98 Wn.2d 358, 362, 655 P.2d 697 (1982). Evidence is relevant and necessary if the purpose in admitting the evidence is of consequence to the action and makes the existence of the identified act more probable. *State v. Dennison*, 115 Wn.2d 609, 628, 801 P.2d 193 (1990).

“The common scheme or plan exception applies when the defendant had devised a plan and used it repeatedly to perpetuate separate but similar crimes.” *State v. Krause*, 82 Wn. App. 688, 693-694, 919 P.2d 126 (1996), *review denied*, 131 Wn.2d 1007, 932 P.2d 644 (1997), *see also Lough*, 125 Wn.2d at 852. “When the very doing of the act charged is still to be proved, one of the facts which may be introduced into evidence is the person’s design or plan to do it. If the evidence is offered for a legitimate purpose, then the exclusion provision of rule 404(b) does not apply.” *Lough*, 125 Wn.2d at 853.

In *State v. DeVincentis*, 150 Wn.2d 11, 74 P. 3d 119 (2003), the Supreme Court held that the admission of evidence of a common scheme or plan requires substantial similarity between the prior bad acts and the charged crime. *Id.*, at 21. The Court found that such evidence is relevant when the existence of the crime is at issue. *Id.*

In *DeVincentis*, the defendant was charged with rape of a child and child molestation in the second degree. The defendant hired a

neighborhood girl to do work around his house. As she worked, he walked around in his underwear. He eventually talked the girl into having sex with him. At the trial, the State moved to introduce evidence of the defendant's similar sexual misconduct in New York several years before. The facts were very similar. The defendant had used a similar approach to the young girl, who was a friend of the defendant's daughter. The trial court found the prior act was admissible under ER 404(b) as part of a common scheme or plan. The Supreme Court agreed.

In *State v. Kennealy*, 151 Wn. App. 861, 214 P. 3d 200 (2009), the defendant was charged with child rape and molestation of neighborhood children. *Id.*, at 869. At the trial, evidence that the defendant had molested his own children years before was admitted under the common scheme or plan exception of ER 404(b). Although the prior misconduct was not as similar as in *DeVincentis* and the present case, this Court held that it was properly admitted. *Kennealy*, at 889.

In *Griswold*, the defendant was charged with child molestation in the third degree. He was alleged to have driven a student in his class to his house and asked her to play "truth or dare." After molesting the girl, he made remarks in an attempt to prevent her from disclosing what had occurred. At trial, two witnesses were permitted to testify that they were also molested by the defendant because the defendant played the same "truth or dare" game with them, and made similar remarks in an attempt to

prevent the girls from disclosing. Again, the court held that the similarities in the position of trust the defendant held, the similarity of the “truth or dare” game, the similarity in the touching, and the similarity in his attempt to prevent their disclosure were sufficient to warrant the admission of these acts under ER 404(b). *Griswold*, 98 Wn. App. at 826.

Third, the Court must find that this evidence is relevant to prove an element of the crime charged or to rebut a defense before balancing its probative value against any prejudicial effect should it be presented to the jury. Generally, courts will find that probative value is substantial in cases where there is very little proof that sexual abuse has occurred, particularly where the defendant asserts a defense of general denial. *State v. Sexsmith*, 138 Wn. App. 497, 506, 157 P.3d 901 (2007). Where general denial is asserted, and every element of the offense is at issue, credibility is central to the outcome of the case and supports the admission of common scheme or plan evidence. *Id.*

State v. Krause, 82 Wn. App. 688, 919 P.2d 123 (1996), found in a prosecution for rape and child molestation, evidence of other uncharged abuse of children was admissible to show a common scheme or plan to “groom” children for sexual contact. Essentially, Krause had developed a “systematic scheme” where he put himself in a position of access to children, and then groomed the children for sexual contact. *Id.* at 694. The court noted the distinction between admitting the evidence to show a

predisposition to molest children, which is prohibited by ER 404(b), and admitting the evidence to show a design to molest children, which is allowed by the rule.

Here, the defendant pled guilty in Cowlitz County Superior Court cause number 08-1-00446-2 on August 8, 2008, to one count of Communication with a Minor for Immoral Purposes, and one count of Possession of Depictions of Minors Engaged in Sexual Conduct. CP xx.

The victim in that incident, S.B., was 14 years old. 4 RP 311. S.B.'s mother contacted police after learning of inappropriate sexual communication between the defendant, who was 20 years old at the time, and her 14 year old daughter. 4 RP 311. Among hundreds of communications between the defendant and S.B., the police discovered numerous ones where the defendant was essentially grooming or inviting S.B. to engage in a sexual relationship. This included the lure of alcohol and partying with adults. The defendant later confessed that this was his objective. The details of this evidence for the ER 404(b) determination are in the State's Memorandum of Authorities. CP 108-112. For the sake of brevity and to avoid repetition, all of those facts will not be repeated here, but incorporated by reference. *See* Appendix.

Here, as in *DeVincentis*, the trial court found the acts similar and showed a common scheme or plan for committing sexual behavior with similar victims. 2 RP 117-119, CP 170. The court went through the proper

analysis laid out in *Lough*, *supra*. This included a proper balancing of potential unfair prejudice with the probative value. 2 RP 119-120, CP 170. The trial court did not err.

2. DEFENDANT WAIVED THE CONFRONTATION
CLAUSE ARGUMENT WHERE HE FAILED TO
OBJECT AT TRIAL.

Generally, the appellate court will not entertain a claim of error not raised before the trial court. RAP 2.5(a). An exception to that general rule is RAP 2.5(a)(3), which requires an appellant to demonstrate a manifest error affecting a constitutional right. *State v. Gordon*, 172 Wn.2d 671, 676, 260 P.3d 884 (2011). “Stated another way, the appellant ‘must identify a constitutional error and show how the alleged error actually affected the appellant's rights at trial.’ ” *State v. O'Hara*, 167 Wn.2d 91, 98, 217 P.3d 756 (2009) (quoting *State v. Kirkman*, 159 Wn.2d 918, 926–927, 155 P.3d 125 (2007)).

To determine if an error is of constitutional magnitude, the appellate looks to whether the defendant's alleged error is actually true, and whether the error actually violated the defendant's constitutional rights. *O'Hara*, 167 Wn.2d at 98. An error is manifest if it is so obvious on the record that the error warrants appellate review. *Id.*, at 99–100. The defendant must also demonstrate “actual prejudice,” meaning the defendant must plausibly show the asserted error had practical and identifiable consequences at trial. *Gordon*, 172 Wn.2d at 676,

Failure to raise confrontation issues at or before trial bars any consideration on appeal. “A clear line of decisions—*Melendez-Diaz*, *Bullcoming*, *Jasper*, and *Hayes*—requires that a defendant raise a Sixth Amendment confrontation clause claim at or before trial or lose the benefit of the right.” *State v. O’Cain*, 169 Wn. App. 228, 248, 279 P.3d 926 (2012) (citing *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 129 S. Ct. 2527, 174 L. Ed. 2d 314 (2009); *Bullcoming v. New Mexico*, —U.S. —, 131 S. Ct. 2705, 180 L.Ed.2d 610 (2011); *State v. Jasper*, 174 Wn.2d 96, 271 P.3d 876 (2012); *State v. Hayes*, 165 Wn. App. 507, 265 P.3d 982 (2011), *review denied*, 176 Wn.2d 1020 (2013)). The same rule applies to the article I, section 22 confrontation clause right of the Washington Constitution. *State v. Fraser*, 170 Wn. App. 13, 25, 282 P. 3d 152 (2012); *O’Cain*, 169 Wn. App. at 252.

In *Fraser*, the defendant was charged with murdering his ex-girlfriend’s new boyfriend. The State introduced evidence documenting Fraser’s cell phone communications with his ex-girlfriend to prove motive; that Fraser was obsessed with her and jealous of the victim. *Id.*, at 25. At trial, Fraser objected unsuccessfully on the basis that the records were more prejudicial than probative. *Id.* On appeal, he argued he had a right to confront the person who created the reports. *Id.*, at 26.

Since *Crawford v. Washington*, 541 U.S. 36, 51, 124 S. Ct. 1354, 158 L. Ed. 2d 177 (2004), the Court of Appeals has held in several cases

that the defendant has waived, or failed to preserve, the Confrontation Clause issue where he failed to raise it in the trial court. *See, Fraser* (Div. I), *supra*. In *O'Cain*, 169 Wn. App. 228 (Div. I), the defendant waived his Confrontation Clause issue where he failed to raise it at trial. The court admitted admission of victim's out-of court statements to various medical personnel who treated her for her injuries. *Id.*, at 232. In *State v. Schroeder*, 164 Wn. App. 164, 262 P. 3d 1237 (2011), Division III of the Court of Appeals held that the defendant waived his Confrontation Clause objection to hearsay: admission of laboratory test results in a drug case without testimony from the analyst who performed the testing. *Cf. Melendez-Diaz*.

Here, the parties extensively argued the admissibility of the defendant's prior conduct under ER 404(b). CP 10-15, 107-118. There is no question that the defense preserved his objection on that ground. However, the defendant did not raise a Confrontation Clause objection to the testimony. The defense did inquire about how evidence of the prior offense was going to be presented. 2 RP 123. The defendant had notice of the information that the prior conduct was based upon. 2 RP 126, 127.

Later, after reviewing the information, the parties generally agreed on what information would be presented through Officer Murray and what documents would actually be admitted in evidence.

THE COURT: The issue, as I understand this morning, you want to take up is what extent the evidence produced in the first matter is going to be allowed into this case. And have you folks reached an agreement as to what is disputed at least?

[Prosecuting Attorney]: Yes, Your Honor, with the exception of one item. So in terms of what will be presented to the jury and also mentioned briefly in opening statements is really the nuts and bolts of the entire incident.

The only items that will be admitted will be the J&S and the Statement of Defendant on Plea of Guilty.

Officer Murray will be allowed to testify -- but you know, subject to the defendant's objection -- just the admission in general. We will be able to talk about the who, what, when, where, and why; specific statements that the defendant made.

We've marked the entire report, and so we'll refer to specific text messages, you know, admissions that the defendant made. But none of that will be admitted. So copies of MySpace from 2008, that's not going to the jury. It's going to be solely Officer Murray's oral testimony.

The one point that we disagree is that defense is objecting to the admission of the title of the pornographic video that focused on the 15-year-old. I agree that it's certainly inflammatory.

What I would ask the Court to rule is that Officer Murray can testify that on the defendant's computer or additional media, whichever it was, located a pornographic video where the focus in the title was a 15-year-old female, and leave it at that.

4 RP 155-156. Defense counsel did note his continuing ER 404(b) objection, but did not raise an objection regarding the Confrontation Clause, or even hearsay:

[Defense Counsel]: Just so there's no confusion for the record, I'm still objecting. And I want that objection noted, a continuing objection to the 404(b) admission. I'm not going to make objections during the trial, because it's already been ruled upon. But I want the record to be clear that even though *I have agreed or stipulated that certain evidence come in*, that's only because of the court's earlier ruling and we are still objecting to the inclusion of any of this evidence from 2008.

4 RP 158-159 (emphasis added).

To preserve an issue for review, an objection must be timely and specific. *State v. Gray*, 134 Wn. App. 547, 557, 138 P.3d 1123 (2006). A party who objects to the admissibility of evidence on one ground at trial generally may not raise a different ground on appeal unless the latter is apparent from the context of the objection. *State v. Mak*, 105 Wn.2d 692, 719, 718 P.2d 407 (1986), *overruled on other grounds* by *State v. Hill*, 123 Wn.2d 641, 645–47, 870 P.2d 313 (1994). Here, the defense offered no Confrontation Clause or any other objections during Officer Murray's testimony. Despite the fact that Murray's testimony included hearsay, the defendant never objected to it. Therefore, the defendant waived his objection regarding the Confrontation Clause, just as he has waived an objection to the hearsay. *See, State v. Coria*, 146 Wn. 2d 631, 641, 48 P. 3d 980 (2002).

3. PROOF OF THE PRIOR ACT DEFENDANT WAIVED THE CONFRONTATION CLAUSE ARGUMENT WHERE HE FAILED TO OBJECT AT TRIAL DID NOT VIOLATE THE DEFENDANT'S RIGHT TO CONFRONT WITNESSES.

Officer Murray testified in detail regarding his investigation, observations and actions in the previous case. His testimony was subject to objections and cross-examination.

Because the victim's mother took over the victim's cell phone and MySpace internet account, Officer Murray read the text messages and internet communications the defendant sent to the victim. 5 RP 314, 318. Officer Murray had the victim's user name and password. 5 RP 314. He downloaded and printed hundreds of messages between the defendant and the victim. 5 RP 315, 318. He logged into the victim's account and communicated with the defendant, posing as the victim or another underage girl on-line. 5 RP 328. He received and printed the defendant's flyer advertising a party at Horseshoe Lake Park, including alcohol and marijuana, aimed primarily at underage high school students, especially girls. 5 RP 327.

Officer Murray organized a stake-out of Horseshoe Lake Park to intercept and stop the defendant from leaving with the victim. 5 RP 331. Officer Murray saw the defendant contact the victim. 5 RP 332. Officer Murray arrested the defendant and took his statement. The defendant confessed to his contacts with the victim, knew that she was 14, and his

intent to have sexual intercourse with her. 5 RP 334, 336-338. The defendant showed Officer Murray photographs of the victim in her underwear and topless. 5 RP 340.

4. IF THE COURT ERRED BY ADMITTING HEARSAY EVIDENCE DURING ER 404(b) TESTIMONY, IT WAS HARMLESS.

Confrontation clause errors are subject to harmless error analysis. *Jasper*, 174 Wn.2d at 117. “A constitutional error is harmless if the appellate court is convinced beyond a reasonable doubt that any reasonable jury would have reached the same result in the absence of the error.” *State v. Guloy*, 104 Wn.2d 412, 425, 705 P.2d 1182 (1985). Constitutional error is presumed to be prejudicial, and the State bears the burden of proving that the error was harmless. *Id.* The appellate court looks only at the untainted evidence to determine if the untainted evidence is so overwhelming that it necessarily leads to a finding of guilt. *Id.*, at 426. The State must show beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained. *Jasper*, 174 Wn.2d at 117.

Here, although Officer Murray testified about facts reported by others, including the victim’s mother, he also testified at length regarding his personal actions and observations in investigating the incident, as detailed above.

Officer Murray's testimony of his personal actions and observation was far more damning than any hearsay he testified to. None of this part of his testimony violated the defendant's right to confront the witness. Admission of the hearsay testimony was harmless beyond a reasonable doubt.

5. THE DEFENDANT FAILS TO DEMONSTRATE
DEFICIENCY OF COUNSEL OR PREJUDICE
THEREBY.

A claim of ineffective assistance of counsel arises from a defendant's right to counsel under the Sixth Amendment to the United States Constitution. *See, Strickland v. Washington*, 466 U.S. 668, 685-687, 104 S. Ct. 2052, 80 L. Ed 2d 674 (1984). The purpose of examination of counsel's performance is to ensure that criminal defendants receive a fair trial. *Id.*, at 684. In *Strickland*, the Supreme Court summarized:

The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.

Id., at 686.

To establish a claim of ineffective assistance of counsel, a defendant must show (1) that counsel's performance was deficient, and (2) the deficient performance prejudiced the defense. *Strickland*, at 687; *State*

v. Thomas, 109 Wn.2d 222, 225–226, 743 P.2d 816 (1987). “Surmounting *Strickland*’s high bar is never an easy task.” *Padilla v. Kentucky*, 559 U.S. 356, 371, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010).

Counsel’s performance is deficient when it falls below an objective standard of reasonableness under prevailing professional norms. *State v. McFarland*, 127 Wn.2d 322, 335, 899 P.2d 1251 (1995). There is a strong presumption that counsel’s performance was not deficient. *Id.* The court reviews counsel’s performance in the context of all of the circumstances presented by the case and the trial. *Id.* at 334–35. Performance is not deficient where counsel’s conduct can be characterized as legitimate trial strategy or tactics. *State v. Kylo*, 166 Wn.2d 856, 863, 215 P.3d 177 (2009); *McFarland*, 127 Wn.2d at 336. Strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable. *Strickland*, 466 U.S. at 690.

Here, the defendant cannot show that counsel was deficient. As detailed above, defense counsel knew of the plea and conviction in Cowlitz County. He knew of the police reports and that Officer Murray was going to testify regarding his own observations, actions, and evidence he gathered, including that the defendant had confessed.

Although defense counsel could have objected to some of the details from S.B.’s mother on the basis of hearsay, doing so was unlikely to have a significant effect. Many of the facts were not hearsay. They were

admitted to explain the why and how of Officer Murray's investigation, not for truth of the matter asserted. *See* ER 801; *See State v. O'Hara*, 141 Wn. App. 900, 910, 174 P.3d 114 (2007), *overruled on other grounds* 167 Wn. 2d 91 (2009). The facts that S.B.'s mother's complaint had initiated the investigation and that she had essentially turned over control of S.B.'s phone and MySpace account to Officer Murray would still be admissible. Faced with the reality of Officer Murray's own detailed investigation, defense counsel's decision not to object was not unreasonable.

For a similar reason, the defendant cannot show prejudice. As detailed above, Officer Murray's detailed testimony was not hearsay. It was admissible after the court's ER 404(b) ruling. It was telling and damning. Officer Murray was available for confrontation and cross-examination. The defendant cannot show that excluding the hearsay would have made a difference in the outcome of the trial.

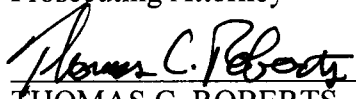
D. CONCLUSION.

The trial court carefully considered the law and required factors before admitting evidence of common scheme or plan under ER 404(b). The court did not abuse its discretion. The defendant could have objected below to hearsay contained in another witness' testimony, but did not. He

waived that objection on appeal, as well as the associated Confrontation Clause issue. The State respectfully requests that the conviction be affirmed.

DATED: January 27, 2015.

MARK LINDQUIST
Pierce County
Prosecuting Attorney


THOMAS C. ROBERTS
Deputy Prosecuting Attorney
WSB # 17442

Certificate of Service:

The undersigned certifies that on this day she delivered by ~~ES~~ mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

1-27-15 
Date Signature

PIERCE COUNTY PROSECUTOR

January 28, 2015 - 9:30 AM

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